

REMARKS

This is responsive to the Office Action mailed on April 4, 2007. The Office Action rejected claims 1-26. Applicant has amended claims 1, 2, 13 and 22 and canceled claim 19. The application currently includes claims 1-18 and 20-26.

The Office Action objected to claim 2 as being indefinite because the scope of how the base layer is "adapted to" provide drainage is unclear. Applicant has amended claim 2 to overcome the indefiniteness rejection under 35 USC § 112, second paragraph, and respectfully requests the rejection be withdrawn.

The Office Action also rejected claims 1, 4-7, 11, 13-16, 20, 22 and 23 under 35 USC § 102(b) as being anticipated by Pacione U.S. Patent No. 4,822,658. The Office Action alleges that the Pacione patent discloses a carpet having a continuous loop pile surface 14 sewn (tufted) into a primary backing layer 12. The Office Action alleges that the Pacione patent discloses the pile surface may be multilevel looped at Col. 6, lines 9-13 and may be made of filament such as nylon at Col. 6, lines 13-16. The Office Action alleges that the Pacione patent discloses an adhesive backcoat 20 of a foam layer 40 bonded to the tufted primary backing to a secondary backing 16. The Office Action alleges that the secondary backing has a lower surface comprised of loops for resiliency and for releasably engaging with a hooked base material adhered to an underlying floor surface. The Office Action concludes that the Pacione patent anticipates claims 1, 4, 5, 7, 11, 13, 14, 16, 20, 22 and 23 because a recitation of intended does not provide structural differences between the claimed invention and the prior art.

Applicant respectfully disagrees that Pacione anticipates independent claim 1 as alleged. An element of independent claim 1 includes a resilient base layer covering the underlying surface. Support for this amended language can be found throughout the specification and particularly at page 3, lines 16-19, page 6, lines 20-24, page 12, lines 25-30 and Figures 1-3.

The Pacione patent does not disclose the claimed structure. Rather, referring to Figure 2, the Pacione patent discloses a strip of material having either a hook or a loop portion of a hook and loop closure attached to a floor around a perimeter of a room. Attaching a hook and

loop closure to a floor around a perimeter of a room is not a base as claimed which requires the base to cover the underlying surface.

Therefore, independent claim 1 is not anticipated by the Pacione patent. Reconsideration and allowance of independent claim 1 are respectfully requested.

The Office Action also rejected claims 4, 5, 7 and 11 as being anticipated by the Pacione patent. While Applicant does not acquiesce to the rejections of dependent claims 4, 5, 7 and 11, Applicant submits that the rejections are moot in light of the fact that independent claim 1 is in allowable form. Reconsideration and allowance of claims 4, 5, 7 and 11 are respectfully requested.

The Office Action also rejected independent claim 13 for the reasons stated with respect to independent claim 1. Applicant respectfully submits that the Pacione does not anticipate independent claim 13 because the Pacione patent does not disclose a looped filament carpet having a random directional weave pattern woven through a backing sheet.

The Office Action alleges that a random directional weave pattern is obvious to provide a desired aesthetic function. However, Applicant submits that the random directional weave is not for aesthetics but to improve the performance of the artificial ski slope. Specifically, the abstract states the loop filament carpet provides a continuous carpet pile, which may have a random directional weave and loops of different heights to provide different surface characteristics. A random directional weave is not for aesthetic purpose, but rather to provide certain characteristics of the surface which affects the performance of the carpet.

For the foregoing reasons, independent claim 13 is not anticipated by the Pacione patent. Reconsideration and allowance of claim 13 are respectfully requested.

The Office Action also rejected claims 14-16 and 20 as being anticipated by the Pacione patent. While Applicant does not acquiesce to the rejections of dependent claims 14-16 and 20, Applicant submits that the rejections are moot in light of the fact that independent claim 13 is in allowable form. Reconsideration and allowance of claims 13-16 and 20 are respectfully requested.

The Office Action also rejected claim 22 as being anticipated by the Pacione patent for the reasons stated with respect to independent claim 1. Applicant submits that independent claim 22 is not anticipated by the Pacione patent because independent claim 22 is directed to a method of constructing an artificial ski slope which includes attached a shock absorbent base layer attached to an underlying surface to cover the underlying surface. For the reasons stated with respect to independent claim 1, the Pacione patent does not disclose a base layer that covers the underlying surface.

For the foregoing reasons, independent claim 22 is not anticipated by the Pacione patent and is in allowable form. Reconsideration and allowance of claim 22 are respectfully requested.

The Office Action also rejected claim 23 as being anticipated by the Pacione patent. While Applicant does not acquiesce the rejection of claim 23, Applicant submits that the rejection is moot in light of the fact that independent claim 22 is in allowable form. Reconsideration and allowance of claim 23 are respectfully requested.

The Office Action also rejected independent claims 1, 13 and 22 as being obvious over Kuriyama Japan Reference 10-046516 in view of Larson U.S. Patent No. 4,148,477. The Office Action alleges that the Kuriyama reference discloses an artificial lawn suitable for use as a ski slope where the slope comprises a construction base (i.e., concrete), a hook fastener substrate adhered to the base and a carpet having a backing of a loop fastener for engagement with said hook fastener. The Office Action alleges that the Kuriyama reference discloses at Figure 2 a carpet having tessellating sections and Figure 3 shows attached of the hook fastener substrate to the base by an anchor pin. The Office Action states that the Kuriyama references discloses a cut pile but it would have been obvious to one of ordinary skill in the art to substitute the loop pile as shown for an example in the Larson patent. The Office Action concludes that would have been obvious to one of ordinary skill in the art to employ loop piles to provide improved mechanical lock with a bed of ice and/or for improved resiliency of pile. The Office Action concludes that claims 1, 3, 7-9, 13, 16-18 and 22-26 are obvious over the Kuriyama reference in view of the Larson patent.

Applicant respectfully disagrees that independent claim 1 is made obvious by the combination of the Kuriyama reference in view of the Larson patent. An element of independent claim 1 includes a resilient base layer that covers the underlying surface. The Kuriyama reference discloses a concrete base. A concrete base is not resilient. Further, the Larson does not cure the deficiencies of the Kuriyama reference. Therefore, independent claim 1 is in allowable form.

With respect to independent claim 13, an element of claim 13 that requires filaments having a random directional weave pattern. The Office Action alleges that it would have been obvious to include a random directional weave as a method for aesthetic purposes. However, for the reasons stated with respect to the allowability of claim 13 with respect to the Pacione patent, the random directional weave is not provided or utilized by aesthetics, but rather to increase the performance of the surface of the ski slope. Therefore, the combination of the Kuriyama reference in view of the Larson patent does not make independent claim 13 obvious. Reconsideration and allowance of claim 13 are respectfully requested.

The Office Action also rejected claim 22 for the reasons stated with respect to claim 1. However, Applicant respectfully disagrees that claim 22 is made obvious by the combination of the Kuriyama reference in view of the Larson patent. An element of claim 22 includes attaching a shock absorbent base layer to an underlying surface. The Office Action is alleging that the underlying base layer is concrete in the Kuriyama reference. Concrete is not resilient. Therefore, the Kuriyama reference does not disclose a resilient base layer as claimed. The Larson patent also does not cure this deficiency.

For the foregoing reasons, claim 22 is not made obvious by the combination of the Kuriyama reference in view of the Larson patent. Reconsideration and allowance of claim 22 are respectfully requested.

The Office Action also rejected claims 2-10, 14-18 and 23-26 for the reasons stated with respect to independent claims 1, 13 and 22. While Applicant does not acquiesce to the rejection of these dependent claims, Applicant submits that the rejection is moot in light of

the fact that independent claims 1, 13 and 22 are in allowable form. Reconsideration and allowance of claims 2-10, 14-18 and 23-26 are respectfully requested.

The Office Action also rejected claims 10, 12, 19, and 21 as being obvious over the Pacione Patent. Claim 19 was canceled. Since the Pacione Patent does not make independent claims 1 and 13 unpatentable, the Pacione Patent also does not make dependent claims 10, 12 and 21 obvious. Reconsideration and allowance of claims 10, 12, and 21 are respectfully requested.

The Office Action also rejected claims 8, 9, 17, 18, 24-26 as being unpatentable over the Pacione Patent in view of U.S. Pat. No. 6,298,624. The Office Action states that the Pacione Patent fails to teach the presently claimed tessellating sections or attachment strips, but alleges both are known in the art. The Office action cites the '624 Patent as disclosing pile floor coverings comprising tessellating sections and attachment strips. The Office Action concludes that would have been obvious to one of ordinary skill in the art to employ the tessellating section and attachment strips disclosed in the '629 patent in order to facilitate installation and/or enhance installation of options. The Office Action states that claims 8, 9, 17, 18, and 24-26 are rejected as being obvious over the cited prior art.

Independent claims 1, 13 and 22 are allowable over the Pacione patent for the previously stated reasons. The '624 Patent does not cure the deficiencies of the Pacione Patent with respect to independent claims 1, 13, and 22. Since claims 1, 13 and 22 are in allowable form, dependent claims 8, 9, 17, 18, and 24-26 are also in allowable form. Reconsideration and allowance of claims 8, 9, 17, 18, and 24-26 are respectfully requested.

The Office Action also rejected claims 11, 12, 20, and 21 under 35 U.S.C. § 103(a) as being unpatentable over the Kuriyama reference of the Larson Patent as applied to claims 1 and 13 and further in view of the Pacione Patent. Independent claims 1 and 13 are patentable over the combination of the Kuriyama reference in view of the Larson Patent for the reasons previously stated. The Pacione Patent does not cure the deficiencies of the combination of the Kuriyama reference in view of the Larson Patent. Therefore, claims 11, 12, 20, and 21

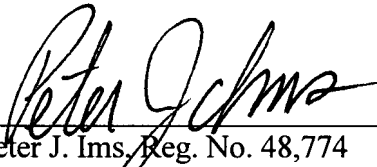
which depend from independent claims 1 and 13, are in allowable. Reconsideration and allowance of claims 11, 12, 20, and 21 are respectfully requested.

For the foregoing reasons, the Application is believed to be in allowable form. Reconsideration and allowance of the Application are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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